

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MYRON A. PAYNE,

Plaintiff,

vs.

C. GIPSON, *et al.*,

Defendants.

Case No. 1:13-cv-01557-RRB

**DISMISSAL ORDER**

The record in this case reflects that on January 27, 2015, the Court dismissed the Complaint with leave to amend. The Amended Complaint was due March 2, 2015.<sup>1</sup> Subsequently, this Court granted Plaintiff an extension through and including May 2, 2015, within which to file his Amended Complaint.<sup>2</sup> To date Payne has neither filed an Amended Complaint nor requested additional time within which to so do. This Court may dismiss *sua sponte* for failure to prosecute, or failure to comply with a court order or rule.<sup>3</sup> Here, despite being granted substantial time to so do, Payne has failed to file an Amended Complaint.

Accordingly, the Complaint on file herein is hereby **DISMISSED** without prejudice.

**IT IS SO ORDERED** this 1st day of June, 2015.

S/ RALPH R. BEISTLINE  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> Docket 12.

<sup>2</sup> Docket 14.

<sup>3</sup> Fed. R. Civ. P. 41(b); see *Hells Canyon Preservation Council v. U. S. Forest Serv.* 403 F.3d 683, 689 (9th Cir. 2005).

DISMISSAL ORDER